

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	No. 3:23-CR-69-TAV-JEM
DEVAUGHN DESHAWN MILLER,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant Miller's Motion to Continue Plea Deadline and Trial Date [**Doc. 13**], filed on July 21, 2023.

In his motion, Defendant asks the Court to continue the August 22, 2023 trial date and July 21, 2023 plea deadline at least sixty days. Counsel has been unable to complete his investigation into the facts and circumstances of this case such that he cannot yet fully advise Defendant on the best possible resolution of this matter. Defendant is detained approximately two hours from defense counsel's office, which has limited counsel's ability to meet with Defendant to discuss a resolution of the case. Counsel submits that granting the requested continuance would provide the parties an opportunity to make a full resolution of this case and serve the ends of justice in that the need for additional time to prepare outweighs the best interests of Defendant and the public in a speedy trial. Counsel has explained Defendant's speedy trial rights to him and Defendant understands that the period of time between the filing of the motion and a rescheduled trial date would be fully excludable for speedy trial purposes. Counsel for the Government has no objection to the requested continuance.

Based upon the information in Defendant's motion and because the Government does not oppose the continuance, the Court finds the ends of justice served by granting a continuance outweigh

the interests of Defendant and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, the Court concludes that not granting a continuance would both result in a miscarriage of justice and deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). Defense counsel needs additional time to investigate the matters involved in this case, confer with Defendant on the appropriate course of action, engage in plea negotiations with the Government, and prepare for trial in the event plea negotiations are not fruitful—tasks made more difficult by Defendant’s pretrial detention in another state. All of this cannot be done by the August 22, 2023 trial date.

The Court therefore **GRANTS** Defendant’s Motion to Continue Plea Deadline and Trial Date [Doc. 13]. The trial of this case is reset to **November 14, 2023**. A new, comprehensive, trial schedule is included below. Because the Court has found that the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial, all of the time between the filing of the motion on July 21, 2023, and the new trial date is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A)–(B).

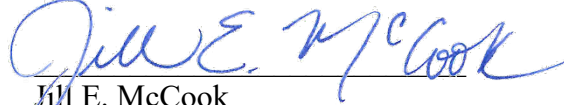
Accordingly, it is **ORDERED** as follows:

- (1) Defendant’s Motion to Continue Plea Deadline and Trial Date [Doc. 13] is **GRANTED**;
- (2) the trial of this matter is reset to commence on **November 14, 2023, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) all time between the filing of the motion on **July 21, 2023**, and the new trial date of **November 14, 2023**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) the deadline for filing a plea agreement in the record and providing reciprocal discovery is **October 13, 2023**;
- (5) the deadline for filing motions *in limine* is **October 30, 2023**;

- (6) the parties are to appear before the undersigned for a final pretrial conference on **November 1, 2023, at 2:00 p.m.**; and
- (7) requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **November 3, 2023.**

IT IS SO ORDERED.

ENTER:


Jill E. McCook
United States Magistrate Judge